

April 16, 2020

VIA ECF

The Honorable Lorna G. Schofield  
United States District Court for the Southern District of New York  
40 Foley Square  
New York, NY 10007

Allianz Global Investors GmbH, et al. v. Bank of America Corporation, et al., 1:18-cv-10364

Dear Judge Schofield:

Pursuant to the Court’s January 17, 2019 Civil Case Management Plan and Scheduling Order, Dkt. 144 (the “Scheduling Order”), the parties write to update the Court on the status of the above-captioned action.

**Pending Motions**

Defendants’ motions to dismiss the Second Amended Complaint (“SAC”) were filed July 25, 2019, Plaintiffs’ oppositions were filed September 9, 2019, and Defendants’ replies were filed October 11, 2019.

No other motions are currently pending.

**Discovery**

On April 2, 2020, the Court held a telephonic discovery conference and ordered the parties to meet and confer and file additional joint letters on April 17 and May 1; for Plaintiffs to provide certain information and affidavits; and for the parties to appear for another telephonic discovery conference on May 7, 2020. Dkt. 372. The parties’ positions on those issues will be set forth in the separate filings and on the timeline envisioned by the Court’s order.

**Discovery by Plaintiffs.** Pursuant to the Court’s January 17, 2019 Order, Dkt. 143, Defendants have produced the unredacted operative complaint in *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, (S.D.N.Y. No. 13-cv-7789) (“FOREX”), and the chat transcripts that Defendants produced in that action.

On February 15, 2019, Plaintiffs served their First Set of Requests for Production of Documents to Defendants. Defendants served their responses and objections, the parties have met and conferred, and some Defendants have produced certain categories of additional documents as a result. Nonetheless, Plaintiffs believe that some Defendants’ productions are still deficient and the parties are attempting to resolve those issues.

On April 15, 2019, Plaintiffs served their Second Set of Requests For Production of Documents to Defendants. Defendants served their responses and objections, and the parties have met and conferred, and some Defendants have produced certain categories of additional documents as a

result. Nonetheless, Plaintiffs believe that some Defendants' productions are still deficient and the parties are attempting to resolve those issues.

The aforementioned productions by and requests on Defendants do not apply to Defendants that filed a motion to dismiss pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, against whom discovery is stayed pursuant to the Scheduling Order.

**Discovery by Defendants.** Pursuant to the Court's January 17, 2019 Order, Dkt. 143, Plaintiffs have produced or identified data underlying the economic analysis in the SAC, Plaintiffs' FX transactional data, and information on the individuals who traded FX for plaintiffs.

On March 12, 2019, Non-Foreign Defendants served their First Set of Requests for Production of Documents to Plaintiffs. Plaintiffs served their responses and objections to those document requests on April 11, 2019. Plaintiffs have been producing certain categories of documents on a rolling basis pursuant to those requests and the parties are communicating regarding other requested categories.

On May 22, 2019, the JPMorgan Defendants served a first set of interrogatories on Plaintiffs. Plaintiffs served their objections and responses on June 21, 2019. Pursuant to the Court's August 7, 2019 order, Dkt. No. 262, Plaintiffs served supplemental responses on August 21, 2019, and the parties filed a joint letter concerning the sufficiency of those responses on August 28, 2019, Dkt. No. 266. Pursuant to the Court's October 17, 2019 order, Dkt. No. 314, each Plaintiff completed a questionnaire responding to interrogatory nos. 1 and 3, and served the responsive information on Defendants on December 6, 2019. Defendants continue to analyze the sufficiency of Plaintiffs' responses to the JPMorgan Defendants' interrogatories, as mentioned in Defendants' last letter to the Court, Dkt. No. 343, and will raise any issues concerning those responses, as well as any other ripe discovery disputes, if necessary.

On March 30, 2020, UBS Securities LLC served a first set of interrogatories on certain Plaintiffs. Plaintiffs' responses are due on April 29, 2020.

On April 10, 2020, the JPMorgan Defendants served a second set of interrogatories on Plaintiffs. Plaintiffs' responses are due on May 11, 2020.

On April 13, 2020, Non-Foreign Defendants served a notice of deposition under Rule 30(b)(6) of the Federal Rules of Civil Procedure on BlackRock Plaintiffs.

**Schedule Through Fact Discovery.** Pursuant to the Scheduling Order, no later than 10 days after the Court rules on Defendants' motions to dismiss, the parties shall submit a joint detailed proposal for the completion of fact discovery.

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By: /s/ Daniel L. Brockett  
Daniel L. Brockett  
51 Madison Avenue, 22nd Floor  
New York, New York 10010  
Telephone: (212) 849-7000

Fax: (212) 849-7100  
[danbrockett@quinnmanuel.com](mailto:danbrockett@quinnmanuel.com)

Jeremy D. Andersen (pro hac vice)  
Chris R. Barker (pro hac vice)  
865 South Figueroa Street, 10th Floor  
Los Angeles, California 90017  
Telephone: (213) 443-3000  
Fax: (213) 443-3100  
[jeremyandersen@quinnmanuel.com](mailto:jeremyandersen@quinnmanuel.com)  
[chrisbarker@quinnmanuel.com](mailto:chrisbarker@quinnmanuel.com)

*Counsel for Plaintiffs*

SHEARMAN & STERLING LLP

By: /s/ Adam S. Hakki

Adam S. Hakki  
Richard F. Schwed  
Jeffrey J. Resetarits  
599 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 848-4000  
ahakki@shearman.com  
rschwed@shearman.com  
jeffrey.resetarits@shearman.com

*Attorneys for Defendants Bank of America Corporation, Bank of America, N.A. and Merrill Lynch, Pierce, Fenner & Smith Incorporated*

ALLEN & OVERY LLP

By: /s/ David C. Esseks

David C. Esseks  
Laura R. Hall  
Rebecca Delfiner  
1221 Avenue of the Americas  
New York, New York 10020  
Telephone: (212) 610-6300  
david.esseks@allenavery.com  
laura.hall@allenavery.com  
rebecca.delfiner@allenavery.com

PATTERSON, BELKNAP, WEBB & TYLER LLP

By: /s/ Alejandro H. Cruz

Joshua A. Goldberg  
Alejandro H. Cruz  
Camille L. Fletcher  
Patterson, Belknapp, Webb & Tyler LLP  
1133 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 336-2000  
acruz@pbwt.com  
cfletcher@pbwt.com  
jgoldberg@pbwt.com

*Attorneys for Defendants BNP Paribas Group, BNP Paribas USA, Inc., BNP Paribas S.A. and BNP Paribas Securities Corp.<sup>1</sup>*

---

<sup>1</sup> Allen & Overy LLP does not represent Defendants BNP Paribas Group, BNP Paribas USA, Inc., BNP Paribas S.A. and BNP Paribas Securities Corp. with respect to claims by Claimants affiliated with BlackRock, Inc.

SULLIVAN & CROMWELL LLP

By: /s/ Matthew A. Schwartz

Matthew A. Schwartz  
Jacob B. Lieberman  
Matthew A. Peller  
125 Broad Street  
New York, New York 10004  
Telephone: (212) 558-4000  
[schwartzmatthew@sullcrom.com](mailto:schwartzmatthew@sullcrom.com)  
[pellerm@sullcrom.com](mailto:pellerm@sullcrom.com)  
[liebermanj@sullcrom.com](mailto:liebermanj@sullcrom.com)  
[agham@sullcrom.com](mailto:agham@sullcrom.com)

*Attorneys for Defendants Barclays Bank plc,  
Barclays plc and Barclays Capital Inc.*

CAHILL GORDON & REINDEL LLP

By: /s/ David G. Januszewski

David G. Januszewski  
Herbert S. Washer  
Elai E. Katz  
Jason M. Hall  
Sheila C. Ramesh  
Miles Wiley  
80 Pine Street  
New York, New York 10005  
Telephone: (212) 701-3000  
[djanuszewski@cahill.com](mailto:djanuszewski@cahill.com)  
[hwasher@cahill.com](mailto:hwasher@cahill.com)  
[ekatz@cahill.com](mailto:ekatz@cahill.com)  
[jhall@cahill.com](mailto:jhall@cahill.com)  
[sramesh@cahill.com](mailto:sramesh@cahill.com)  
[mwiley@cahill.com](mailto:mwiley@cahill.com)

*Attorneys for Defendants Credit Suisse AG and  
Credit Suisse Securities (USA) LLC*

COVINGTON & BURLING LLP

By: /s/ Andrew A. Ruffino

Andrew A. Ruffino  
620 Eighth Avenue  
New York, NY 10018-1405  
Telephone: (212) 841-1000  
[aruffino@cov.com](mailto:aruffino@cov.com)

Andrew D. Lazerow (pro hac vice motion  
forthcoming)  
850 10th Street NW  
Washington, DC 20001  
Telephone: (202) 662-5081  
[alazerow@cov.com](mailto:alazerow@cov.com)

*Attorneys for Defendants Citigroup, Inc.,  
Citibank, N.A., Citigroup Global Markets, Inc.*

LATHAM & WATKINS LLP

By: /s/ Joseph Serino, Jr.

Joseph Serino, Jr.  
885 Third Avenue  
New York, New York 10022  
Telephone: (212) 906-1717  
[joseph.serino@lw.com](mailto:joseph.serino@lw.com)

KING & SPALDING LLP

By: /s/ G. Patrick Montgomery

G. Patrick Montgomery (admitted pro hac vice)  
1700 Pennsylvania Ave., NW  
Washington, DC 20006  
Telephone: (202) 626-5444  
[pmontgomery@kslaw.com](mailto:pmontgomery@kslaw.com)

*Attorneys for Defendants Deutsche Bank AG and  
Deutsche Bank Securities Inc.*

CLEARY GOTTLIEB STEEN &  
HAMILTON LLP

By: /s/ Thomas J. Moloney

Thomas J. Moloney  
Rishi N. Zutshi  
One Liberty Plaza  
New York, New York 10006  
Telephone: (212) 225-2000  
tmoloney@cgsh.com  
rzutshi@cgsh.com

*Attorneys for Defendants The Goldman Sachs Group, Inc. and Goldman Sachs & Co. LLC*

LOCKE LORD LLP

By: /s/ Gregory T. Casamento

Gregory T. Casamento  
3 World Financial Center  
New York, New York 10281  
Telephone: (212) 812-8325  
gcasamento@lockelord.com

Roger B. Cowie  
2200 Ross Avenue, Suite 2200  
Dallas, TX 75201  
Telephone: (214) 740-8000  
rcowie@lockelord.com

J. Matthew Goodin  
Julia C. Webb  
111 South Wacker Drive  
Chicago, IL 60606  
Telephone: (312) 443-0700  
jmgoodin@lockelord.com  
jwebb@lockelord.com

*Attorneys for Defendants HSBC Bank plc, HSBC North America Holdings, Inc., HSBC Bank USA, N.A., and HSBC Securities (USA) Inc.*

DONTZIN NAGY & FLEISSIG LLP

By: /s/ Tibor L. Nagy, Jr.

Tibor L. Nagy, Jr.  
Anuja Thatte  
Jason A. Kolbe  
Dontzin Nagy & Fleissig LLP  
980 Madison Avenue  
New York, NY 10075  
Telephone: (212) 717-2900  
tangy@dnfllp.com  
athatte@dnfllp.com  
jkolbe@dnfllp.com

SKADDEN, ARPS, SLATE, MEAGHER &  
FLOM LLP

By: /s/ Boris Bershteyn

Boris Bershteyn  
Peter S. Julian  
Tansy Woan  
One Manhattan West  
New York, New York 10001  
Telephone: (212) 735-3000  
boris.bershteyn@skadden.com  
peter.julian@skadden.com  
tansy.woan@skadden.com

Gretchen Wolf (admitted *pro hac vice*)  
155 N. Wacker Dr., Suite 2700  
Chicago, Illinois 60606  
Telephone: (312) 407-0956  
gretchen.wolf@skadden.com

Paul M. Kerlin (admitted *pro hac vice*)  
1440 New York Avenue N.W.  
Washington, DC 20005  
Telephone: (202) 371-7000  
paul.kerlin@skadden.com

*Attorneys for Defendants JPMorgan Chase &  
Co., JPMorgan Chase Bank, N.A. and J.P.  
Morgan Securities LLC<sup>2</sup>*

PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP

By: /s/ Kenneth A. Gallo

Kenneth A. Gallo  
Michael E. Gertzman  
Anand Sithian  
1285 Avenue of the Americas  
New York, New York 10019  
Telephone: (212) 373-3000  
kgallo@paulweiss.com  
mgertzman@paulweiss.com  
asithian@paulweiss.com

*Attorneys for Defendant MUFG Bank, Ltd.*

WACHTELL, LIPTON, ROSEN & KATZ

By: /s/ Jonathan Moses  
Jonathan Moses  
51 West 52nd Street  
New York, New York 10019  
Telephone: (212) 403-1000  
JMMoses@wlrk.com

*Attorneys for Defendants Morgan Stanley,  
Morgan Stanley & Co., LLC, and Morgan  
Stanley & Co. International plc*

MOORE AND VAN ALLEN PLLC

By: /s/ James P. McLoughlin, Jr.  
James P. McLoughlin, Jr.  
Mark A. Nebrig  
Joshua D. Lanning  
Moore & Van Allen PLLC  
100 N. Tryon Street, Suite 4700  
Charlotte, North Carolina 28202  
Telephone: (704) 331-1000  
jimmcloughlin@mvalaw.com  
marknebrig@mvalaw.com  
joshlanning@mvalaw.com

*Attorneys for Defendants The Royal Bank of  
Canada and RBC Capital Markets LLC*

---

<sup>2</sup> Skadden, Arps, Slate, Meagher & Flom LLP does not represent JPMorgan Chase & Co., JPMorgan Chase Bank, N.A. and J.P. Morgan Securities LLC with respect to claims by BlackRock, Inc. or BlackRock-related entities listed in Appendix C of the complaint.

DAVIS POLK & WARDWELL LLP

By: /s/ Paul S. Mishkin

Paul S. Mishkin  
Adam G. Mehes  
Maude Paquin  
450 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 450-4000  
paul.mishkin@davispolk.com  
adam.mehes@davispolk.com  
maude.paquin@davispolk.com

*Attorneys for Defendants The Royal Bank of Scotland plc and NatWest Markets Securities Inc.*

LINKLATERS LLP

By: /s/ James R. Warnot, Jr.

James R. Warnot, Jr.  
Patrick C. Ashby  
Nicole E. Jerry  
1345 Avenue of the Americas  
New York, New York 10105  
Telephone: (212) 903-9000  
james.warnot@linklaters.com  
patrick.ashby@linklaters.com  
nicole.jerry@linklaters.com

Adam S. Lurie  
601 13th St. NW  
Suite 400  
Washington, DC 20005  
Telephone: (202) 654-9227  
adam.lurie@linklaters.com

MAYER BROWN LLP

By: /s/ Steven Wolowitz

Steven Wolowitz  
Henninger S. Bullock  
Andrew J. Calica  
Victoria D. Whitney  
1221 Avenue of the Americas  
New York, New York 10020-1001  
Telephone: (212) 506-2500  
swolowitz@mayerbrown.com  
hbullock@mayerbrown.com  
acalica@mayerbrown.com  
vwhitney@mayerbrown.com

*Attorneys for Defendants Société Générale S.A. and SG Americas Securities, LLC<sup>3</sup>*

---

<sup>3</sup> Linklaters LLP does not represent Société Générale or SG Americas Securities, LLC with respect to claims by BlackRock, Inc. or the BlackRock-related entities listed in Appendix C of the Complaint.

HOGAN LOVELLS US LLP

By: /s/ Marc J. Gottridge

Marc J. Gottridge

Lisa J. Fried

Benjamin A. Fleming

Charles Barrera Moore

390 Madison Avenue

New York, New York 10017

[marc.gottridge@hoganlovells.com](mailto:marc.gottridge@hoganlovells.com)

[lisa.fried@hoganlovells.com](mailto:lisa.fried@hoganlovells.com)

[benjamin.fleming@hoganlovells.com](mailto:benjamin.fleming@hoganlovells.com)

[charles.moore@hoganlovells.com](mailto:charles.moore@hoganlovells.com)

Telephone: (212) 918-3000

EVERSHEDS SUTHERLAND LLP

By: /s/ Lewis S. Wiener

Lewis S. Wiener

Ronald W. Zdrojeski

Meghana D. Shah

1114 Avenue of the Americas, 40th Floor

New York, New York 10036

Telephone: (212) 389-5000

[lewiswiener@eversheds-sutherland.com](mailto:lewiswiener@eversheds-sutherland.com)

[ronzdrojeski@eversheds-sutherland.com](mailto:ronzdrojeski@eversheds-sutherland.com)

[meghanashah@eversheds-sutherland.com](mailto:meghanashah@eversheds-sutherland.com)

*Attorneys for Defendant Standard Chartered Bank<sup>4</sup>*

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Eric J. Stock

Eric J. Stock

200 Park Avenue

New York, New York 10166

Telephone: (212) 351-4000

[estock@gibsondunn.com](mailto:estock@gibsondunn.com)

D. Jarrett Arp (admitted pro hac vice)

Melanie L. Katsur (admitted pro hac vice)

Amy Feagles (admitted pro hac vice)

1050 Connecticut Avenue, N.W.

Washington, DC 20036

Telephone: (202) 955-8500

[jarp@gibsondunn.com](mailto:jarp@gibsondunn.com)

[mkatsur@gibsondunn.com](mailto:mkatsur@gibsondunn.com)

[afeagles@gibsondunn.com](mailto:afeagles@gibsondunn.com)

*Attorneys for Defendants UBS AG and UBS Securities LLC*

<sup>4</sup> Eversheds Sutherland (US) LLP only represents Standard Chartered Bank with respect to claims by Allianz Plaintiffs, Brevan Howard Plaintiffs, CalSTRS, Norges, and PIMCO Plaintiffs, as defined in the Second Amended Complaint.